

EXHIBIT D

3/25/2008 Gold, Hyla - Vol #1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----x

HYLA GOLD, on behalf of herself and all
others similarly situated,

Plaintiff,

-against-

Civil Action No.

1:07-CV-08204-DLC

CLEAR CHANNEL COMMUNICATIONS, INC. and
CLEAR CHANNEL OUTDOOR HOLDINGS, INC.,

Defendants.

-----x

March 25, 2008

9:42 A.M.

Videotaped Deposition of
Plaintiff, by Hyla Gold, taken by Defendant,
pursuant to Rule 30(b)(1) of the Federal
Rules, at the offices of Morgan, Lewis &
Bockius LLP, 101 Park Avenue, New York, New
York 10178-0060, before Arta Pascullo, a
Registered Professional Reporter and Notary
Public within and for the State of New York.

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A P P E A R A N C E S:

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BY: CHRISTOPHER A. PARLO, ESQ.
LENI D. BATTAGLIA, ESQ.

ALSO PRESENT:

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Corporate Counsel
Clear Channel
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San Antonio, Texas 78209-8328

TIMOTHY KENNEDY

President New York Division
Clear Channel
110 East 42nd Street
New York, New York 10017

ROBERT McDONALD - Videographer

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2 your discussion with her?

3 A. During our discussion? No.

4 Q. You saw her after she ceased
5 working at Clear Channel at a luncheon and you
6 discussed with her, whether she would be
7 willing to speak with a lawyer on your behalf?

8 A. Yes.

9 Q. Do you remember anything else in
10 the discussion with her?

11 A. That would have been it.

12 Q. Other than Lynn Jackson, Theresa
13 Lomony, Francine Marchese and Carolyn Walkin,
14 have you spoken with any other former or
15 present employee of Clear Channel employees,
16 about any of the allegations that you have
17 made in the case?

18 A. I don't believe so.

19 Q. Am I correct that you haven't
20 spoken with any other current or former Clear
21 Channel employee about your wage and hour
22 claims?

23 A. To the best -- I don't believe I
24 have.

25 Q. You haven't spoken with any

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2 about this case?

3 A. I don't believe so.

4 Q. Have you had any e-mails with
5 Lynn Jackson at any time about anything
6 relating to this case?

7 A. No, I don't believe so.

8 Q. Am I correct that you don't have
9 any written communication from any employee
10 indicating that they would like to join your
11 case?

12 A. I don't believe so.

13 Q. Do you have any proof or evidence
14 that there is any employee, current or former
15 employee of Clear Channel, who wants to join
16 this action with respect to your overtime
17 claims?

18 A. I don't understand the question.

19 Q. Sure.

20 Do you have a piece of paper,
21 tape recording, conversation, anything, any
22 kind of evidence that any other current or
23 former employee of Clear Channel, wants to
24 join you in your overtime claims?

25 A. No.

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2 before putting proposals together I would say,
3 let's make this competitive from the start,
4 whatever; can I do these rates. Situations
5 are different for different clients. I can't
6 recall a situation.

7 Q. That is why I'm trying to go back
8 to your point about when you were negotiating
9 rates with clients, you would do that through
10 the AE?

11 A. Again, situations are different.
12 When I say negotiate, that is after I have
13 given rates. I think you are changing my
14 words around too.

15 THE WITNESS: I'm sorry, can I
16 take a break for the bathroom?

17 MR. PARLO: Of course.

18 THE VIDEOGRAPHER: Time noted
19 11:37 A.M.

20 (Recess taken.)

21 THE VIDEOGRAPHER: This is
22 videotape 3. Back on the record 11:43
23 A.M.

24 Q. Ms. Gold, when we talk about
25 buses or subways or billboards or walls, I've

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2 Q. For example, when you wanted to
3 send your mass e-mail to everybody, you had a
4 list of those people?

5 A. Correct.

6 Q. And you had your people on your
7 mass list, your e-mail list?

8 A. Yes.

9 Q. That was different from Theresa's
10 list?

11 A. Correct.

12 Q. During the period from 2000 to
13 2005, was it part of what you did to keep your
14 national AE's up to date on what media
15 products existed in New York?

16 A. I'm sorry. Can you --

17 Q. Sure.

18 Was it part of what you did, to
19 keep the national AE's in the market you
20 worked with, up to date on what their media
21 products were in New York?

22 A. Yes.

23 Q. And if something new became
24 available, you would update them on that?

25 A. Yes.

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2 Q. I'm talking about a format.

3 A. For the most part, I had a format
4 except if there was and AE that had their own
5 format.

6 Q. When you were developing the
7 proposals, did you tailor them to the client
8 and situation?

9 A. Yes.

10 Q. As opposed to using the exact
11 same proposal for every single time for every
12 situation?

13 A. Yes.

14 Q. That is what I mean?

15 A. Yes.

16 Q. Did you recommend the same
17 products to the same clients every time?

18 A. If that is all we had available,
19 yes.

20 Q. But if you had some of each of
21 the media products from your whole inventory,
22 did you recommend the same products to the
23 same clients every single time?

24 MS. GREENE: Objection.

25 A. It really depended on the

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2 requests. It really had to do with what they
3 were looking for. I would tailor it to their
4 needs.

5 Q. I know that maybe not 2000 or
6 2005, at some point there were jewelry clients
7 in your market?

8 A. Yes. I'm sure there were.

9 Q. Watches and jewelry, for example?

10 A. Yes. I'm sure.

11 Q. Let me do it a different way.
12 Give me an example from 2000 to 2005, if you
13 can, of what you would consider a company that
14 wanted high-end space. I don't care what it
15 cost. Get me the best flashiest space.

16 A. Again, you had auto clients that
17 want the best. Everyone wants the best. Even
18 if they can't afford it. It could be
19 multiple.

20 Q. Were there certain products that
21 you knew because of their cost were
22 appropriate to recommend to certain clients,
23 but not to others?

24 A. Yes.

25 Q. Did you always work during 2000

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2 A. She's salaried, I believe.

3 Q. Does she get overtime, if you
4 know?

5 A. I don't believe so.

6 Q. Are there people in the New York
7 office, who have a different role than her,
8 called national sales service executives?

9 A. Are you referring to what I used
10 to do?

11 Q. Yes.

12 A. Yes.

13 Q. Do you supervise any of those
14 people?

15 A. No.

16 Q. You don't supervise any of them
17 in the New York office and you don't supervise
18 any of them outside of New York office; is
19 that right?

20 A. Correct.

21 Q. You don't do personnel appraisals
22 or personnel reviews for any of those people,
23 do you?

24 A. No.

25 Q. For the national sales service

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2 people in Chicago to pick an office, do you
3 know what they do each day?

4 A. On a personal basis, no. I know
5 they are working on requests on a -- national
6 salespeople. They are assigning them.

7 Q. Other than knowing that they are
8 working on request, do you know what they do
9 each day?

10 MS. GREENE: Objection.

11 MR. PARLO: I'll ask it a
12 different way.

13 Q. Can you tell me the name of a
14 national sales service executive, who is
15 working in Chicago today?

16 A. Yes.

17 Q. Give me a name?

18 A. Sue Grillo.

19 Q. Sue?

20 A. Grillo.

21 Q. Do you know exactly what she did
22 last week?

23 A. I didn't have any correspondence
24 with her last week.

25 Q. Did you have any contact with her

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2 last week?

3 A. No.

4 Q. Give me the name of a person in
5 Los Angeles who is the national sales service
6 account executive?

7 A. Jace Jessan.

8 Q. Did you work with him last week?

9 A. Yes.

10 Q. Do you know what he did every day
11 last week?

12 A. I can't account for other
13 people's daily schedule.

14 Q. Is there any material that you
15 have, written or otherwise that shows you what
16 each one of the national sales service account
17 executives are doing every day?

18 A. I don't understand what you mean.

19 Q. Do you have some kind of
20 documentation that tells you what all of the
21 national sales service account executives are
22 doing each day around the country?

23 A. I just know when -- no. I don't
24 know what they are doing every day.

25 Q. Do you know if every single one

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2 rides with?

3 MS. GREENE: Objection.

4 MR. PARLO: I'll withdraw the
5 question.

6 Q. How many national sales service
7 account executives in other markets have you
8 been on rides with?

9 A. Recently?

10 Q. At any time.

11 A. Myself and other markets?

12 Q. Yes.

13 A. It's been a couple.

14 Q. More than two?

15 A. There might have been more than
16 two. I don't remember.

17 Q. More than five since September
18 2000?

19 A. In other markets?

20 Q. Yes.

21 A. If I was visiting a market, it
22 was probably three or four. I do not
23 remember.

24 Q. You don't know if last week, each
25 of the national sales service account

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2 executives went on a ride with someone, do
3 you?

4 MS. GREENE: Objection.

5 A. I only know they are on a ride
6 based on me calling them and I get their voice
7 mail or e-mail.

8 Q. Other than that, do you know if
9 all of the national sales service account
10 executives were doing rides last week?

11 A. No. I do not know.

12 Q. Do you know if all of the
13 national sales service account executives
14 developed proposals last week?

15 A. Just based on the amount of
16 business there is, I'm assuming they do, but I
17 don't know for sure.

18 Q. And how many of the national
19 sales service account executives oversee other
20 people or supervise other people?

21 MS. GREENE: Objection.

22 MR. PARLO: I'll rephrase the
23 question.

24 Q. How many of the national sales
25 service account executives supervise one or

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2 more other people?

3 A. They probably supervise their
4 sales assistant. I believe --

5 Q. Do you know?

6 A. I don't know.

7 Q. How many national sales service
8 account executives run some or all of their
9 office?

10 MS. GREENE: Objection.

11 A. What do you mean by run the
12 office?

13 Q. Run the office, manage the
14 office.

15 A. I don't believe anyone does.

16 Q. Do you know if anyone does?

17 A. I don't believe I do. Or I don't
18 believe so.

19 Q. How many national sales service
20 account executives also perform national
21 account executive duties?

22 A. What do you mean?

23 Q. Import and export simultaneously?

24 A. There are some markets with
25 people.

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2 Q. How many?

3 A. I can't be sure.

4 Q. What percentage of the national
5 sales service account executives do both?

6 A. I don't know. I don't know.

7 Q. Can you name the people who you
8 know of, who do both?

9 A. I -- offhand no, I can't. I have
10 to think about it.

11 MR. PARLO: Let's just change the
12 tape and then we will go for another
13 five minutes and take a break.

14 THE VIDEOGRAPHER: This completes
15 video tape 3. Off the record at 12:45
16 P.M.

17 (Recess taken.)

18 THE VIDEOGRAPHER: This is
19 videotape No. 4. Back on the record
20 12:46 P.M.

21 Q. When I talk about import versus
22 export, do you know what I mean by that?

23 A. Uh-huh.

24 Q. How many people in the New York
25 office are involved in the import aspect of

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2 the New York office?

3 A. Two.

4 Q. Two?

5 A. Uh-huh.

6 Q. You and who else? I'm sorry.

7 Who are the two people?

8 A. When you say import, you mean
9 import business into New York?

10 Q. Yes.

11 A. It's not myself.

12 Presently?

13 Q. Yes.

14 A. There are two people.

15 Q. Who?

16 A. Theresa Lomony and Glenis. I
17 can't remember Glenis' last name.

18 Q. Like G-L-E-N-I-S maybe?

19 A. Yes.

20 MR. PARLO: Mr. Kennedy, do you
21 have Glenis' last name?

22 MR. KENNEDY: Glenis Riley.

23 Q. Other than Ms. Lomony and Ms.

24 Riley, who handle the New York side of the New
25 York office?

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2 know of national sales service account

3 executives --

4 A. That are also managers?

5 Q. -- that are managing the import

6 side of the business?

7 A. Every office has a sales manager.

8 Q. I'm not talking about a sales

9 manager. I'm talking about someone who held

10 the position that you did for five years as a

11 national sales service account executive, not

12 a sales manager, how many sales service

13 account executives like you were from 2000 to

14 2005, manage other import people within their

15 office?

16 A. If they oversee someone?

17 Q. Yes.

18 A. I don't know.

19 Q. How many oversee all of the

20 import stuff in their office?

21 A. I don't know.

22 Q. Give me the name of one national

23 sales service account executive, who

24 supervises other import people in the office?

25 A. In our office Theresa might even

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2 supervise Glenis, I don't know.

3 Q. Even in your own office, you
4 don't know if Theresa supervises Glenis?

5 A. I don't know. That is what I
6 have heard. I don't know if that is true.

7 Q. You said you knew of some
8 national sales service account executives, who
9 also have national account executive
10 responsibilities on the export side. And you
11 couldn't tell me the name of anyone, correct?

12 A. I just can't recall at this time.

13 Q. You don't know the percentages of
14 time that the people who have both import and
15 export spend in import and export, do you?

16 A. No, I don't know. I can't.

17 Q. How much do the national sales
18 service account executives get paid throughout
19 the country, do you know?

20 MS. GREENE: Objection.

21 A. I wouldn't know.

22 Q. Do you know how many of them get
23 paid over \$100,000 per year?

24 A. I don't know.

25 Q. Do you know how many of the

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2 national sales service account executives
3 regularly travel outside of their market to
4 try to develop more business in their markets?

5 A. I know they do. I don't know
6 what the percentage is.

7 Q. Do you know how many of them do
8 that?

9 A. A lot of them do that.

10 Q. Do you know how many of them do
11 it regularly?

12 A. I'm sure -- there is a handful
13 that regularly travel. I'm sure there is a
14 handful that regularly travel.

15 Q. Do you know how many national
16 sales service account executives set the rate
17 card prices for their markets?

18 A. I don't believe they do.

19 Q. Do you have any information
20 whether they do or they don't?

21 A. Mostly rate cards, again, is for
22 managers. I don't know. Maybe they have
23 input. I can't be 100 percent certain.

24 Q. You don't know if some national
25 sales service account executives, set the rate

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2 cards for their markets, do you?

3 A. I don't believe they do, but I
4 could be wrong.

5 Q. Do you know what performing
6 audits means?

7 A. Uh-huh.

8 Q. How many national sales service
9 account executives perform audits for their
10 markets?

11 A. I'm sorry, can you repeat that?

12 Q. How many national sales service
13 account executives perform the audits for
14 their markets?

15 A. Isn't an audit an accounting
16 function?

17 Q. I asked you if you knew what
18 audits were.

19 A. Yeah. I don't believe any do.

20 Q. You talked earlier about
21 charting.

22 A. Uh-huh.

23 Q. Do you do the charting for your
24 office?

25 A. No.

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2 Q. When you were a national sales
3 service account executive, did you do the
4 charting for your office?

5 A. No.

6 Q. How many national sales service
7 account executives do the charting for their
8 office?

9 A. I don't believe any. But, again,
10 I could be wrong. Maybe smaller markets that
11 don't have a lot of people. I don't believe
12 so.

13 Q. It's possible that in some
14 smaller markets, the national sales service
15 account executives do the charting also,
16 right?

17 A. It could be possible.

18 Q. It's possible that those national
19 sales service account executives also set the
20 rate cards, right?

21 A. It could be possible.

22 Q. It's possible that in the smaller
23 markets that the national sales account
24 executive oversee the whole office?

25 A. I don't believe so.

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2 Q. Did you do anything with digital
3 outdoor when you were national sales service
4 account executive?

5 A. We started a digital urban panel
6 network. I tried to sell that.

7 Q. Other than trying to sell that,
8 were you the manager for it?

9 A. No.

10 Q. How many national sales service
11 account executives are also the national --
12 excuse me. Also the outdoor digital -- strike
13 that.

14 How many, if you know, national
15 sales service account executives are also the
16 digital outdoor network manager for their
17 markets?

18 A. I don't believe any.

19 Q. How many when you were national
20 sales service account executive, how many
21 casino traffic accounts did you have?

22 A. I don't recall any.

23 Q. Do you know what the national
24 account -- the national sales service account
25 executives do, who have casino traffic in

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2 their market?

3 A. Right now I don't believe we are
4 allowed to have any.

5 Q. Why is that?

6 A. Company policy.

7 Q. So, currently, you are not aware
8 of any individuals who do casino
9 traffic-related advertising?

10 A. Actually, let me scratch that.
11 When you say "casino traffic," what do you
12 mean by that?

13 Q. For example, the corridor between
14 Philadelphia and Atlantic City.

15 A. I thought you meant casino
16 advertisers. Can you repeat the question?

17 Q. Sure.

18 Did you do any casino corridor,
19 like somewhere to Las Vegas or Philadelphia to
20 Atlantic City, how much of that work did you
21 do when you were national sales service
22 account executive?

23 A. Some work. I had clients that
24 wanted to target Atlantic City, so yeah, along
25 the New Jersey Turnpike.

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Q. Did you sell any of the
advertising space between Philadelphia and
Atlantic City?

A. Only in New York as a national
service.

Q. That would be space in New York?

A. Yes.

Q. Do you know what the individuals,
for example, in the Philadelphia market do on
a day-to-day basis with respect to trying to
support the sales of casino corridor
advertising?

A. I don't know. I wouldn't know.
I'm sure a lot.

MS. GREENE: Are we getting to a
breaking point?

MR. PARLO: Yes. Two or three
more questions.

Q. Do you know how many of the
national sales service account executives
today, prepare marketing materials?

MS. GREENE: Objection.

A. What kind of materials, specific
material?

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2 Q. Any kind of marketing materials.

3 A. I'm sure they put their two cents
4 into it.

5 Q. I mean preparing the actual
6 marketing materials. Do you know how many do
7 that today?

8 A. I know I put my own presentations
9 together. You can call that a marketing
10 piece. I'm sure everyone does.

11 Q. Do you know for sure whether they
12 do or don't?

13 A. I don't know for sure.

14 Q. Do you know how many of the
15 national sales service account executives
16 themselves research and analyze market
17 demographics?

18 A. I'm sure they do. I don't know
19 for sure.

20 MR. PARLO: Okay, it's okay to
21 take a break now.

22 MS. GREENE: Yes.

23 THE VIDEOGRAPHER: Off the record
24 at 12:58 P.M.

25 (Luncheon recess: 12:58 P.M.)

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2 A. Online gambling, yes.

3 Q. With respect to today, the
4 company's national sales service account
5 executives, on a person-by-person basis, do
6 you know how much time they each spend in or
7 out of the office?

8 A. I don't know.

9 Q. With respect to the national
10 sales service account executives on a
11 person-by-person basis, do you know what level
12 of supervision they are each receiving in
13 their respective offices?

14 MS. GREENE: Objection.

15 A. I'm sorry, can you rephrase the
16 question?

17 Q. Sure.

18 With today, with respect to the
19 company's national sales as much as account
20 executives, do you know how much supervision
21 on a person-by-person basis, they are each
22 receiving or not receiving in their respective
23 offices?

24 A. I don't know.

25 Q. Do you know the educational or

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2 work history background of all of the national
3 sales service account executives today?

4 MS. GREENE: Objection.

5 A. Can you repeat, please?

6 Q. Do you know the educational
7 history and work history of all of the
8 company's national sales service account
9 executives, who are working today?

10 MS. GREENE: Objection.

11 A. I don't know.

12 Q. Do you know how many of them
13 spent years on the buying side, as you
14 described earlier today?

15 A. I don't know.

16 Q. Do you know how many of them had
17 previous marketing careers before becoming a
18 national sales service account executive?

19 A. I don't know.

20 Q. Do you know whether there are
21 national account executives throughout the
22 country who are performing some amount of
23 import work in their offices?

24 A. I'm sorry, can you repeat that?

25 Q. Sure.

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2 Do you know if currently, there
3 are national account executives who are doing
4 some amount or percentage of import work in
5 their offices?

6 A. I don't know.

7 Q. Do you know if there are some
8 sales managers in certain markets who are
9 performing some amount or portion of their job
10 doing import duties?

11 A. I don't believe so. I don't
12 know.

13 Q. What is the basis for your
14 belief?

15 A. Maybe if someone is out and they
16 are helping out, there could be.

17 Q. You really don't know?

18 A. No. I really don't know.

19 Q. It could be a sales manager in
20 Tucson who has 30 percent of his or her time
21 doing import work?

22 MS. GREENE: Objection.

23 A. I don't know.

24 Q. You don't know, but it's
25 possible?

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2 Q. Are you hoping to get chickens or
3 goats? What are you hoping to get out of
4 this?

5 MS. GREENE: Objection.

6 A. What is legally due to myself,
7 yes.

8 Q. Legally due chickens or goats,
9 what are you looking for?

10 MS. GREENE: Objection.

11 Q. You can answer.

12 A. If it's money, yes, money.

13 Q. If there is a legal basis for you
14 to get money in this suit, you are seeking
15 money?

16 A. If it's something that is due to
17 myself and others in this position, in similar
18 positions, then yes.

19 Q. I'm not concerned about others
20 right now. I want to know if you are seeking
21 money in this action if it's legally available
22 to you?

23 A. I suppose, yes.

24 Q. Do you suppose or are you?

25 A. Yes.

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2 Q. Now, at some point you went from
3 being a national sales service account
4 executive to having a different position at
5 the company; is that right?

6 A. Correct.

7 Q. And what was the next position
8 you held?

9 A. National AE. Account executive.

10 Q. Before becoming a national
11 account executive, tell me every client or
12 account that you had personally.

13 MS. GREENE: Objection.

14 Q. If any.

15 A. Can you please repeat the
16 question or explain. I don't get what you are
17 asking.

18 Q. That is fine. Would you look me
19 to repeat it?

20 A. Yes.

21 Q. Prior to becoming a national
22 account executive, so during the time that you
23 were a national sales service account
24 executive, did you have any clients yourself?

25 A. There may have been one that I

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2 worked on. I don't remember. I might have
3 gone out on my own and tried to bring in some
4 more business. I can't recall. I don't know.

5 Q. Let's just focus on the period of
6 March 2004 to March 2005, we will cut out the
7 earlier years. From March 2004 to March 2005,
8 do you recall having any clients or accounts
9 of your own?

10 A. It's possible I brought in some
11 business.

12 Q. Do you remember any?

13 A. Not right now.

14 Q. So the clients or the accounts
15 that you worked with while you were a national
16 sales service account executive, were clients
17 or accounts of other individuals?

18 A. While I was working as we
19 mentioned earlier. I'm sorry, can you reframe
20 that question?

21 Q. Absolutely.

22 So, when you were a national
23 sales service account executive, the clients
24 or customers with whom you worked were clients
25 or accounts of other people --

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1 H. Gold

2 A. Correct.

3 Q. -- is that right?

4 A. Yes. National account
5 executives, yes.

6 Q. What was the first -- tell me the
7 accounts that you worked with when you were a
8 national account executive in 2005.

9 A. I'm sorry. Are you asking -- I'm
10 getting confused if you are asking as import
11 or national account executive, I'm sorry.

12 Can you are you repeat your
13 question?

14 Q. At some point in 2005, you
15 switched your job?

16 A. Uh-huh.

17 Q. Would it be correct to say a
18 national account executive.

19 A. Yes. Okay, I just wanted to
20 clarify that, yes.

21 Q. In that role, did you continue to
22 perform your national sales service account
23 executive duties?

24 A. No.

25 Q. Were those duties assumed by

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1 H. Gold

2 Was Dan doing national sales
3 service account executive work for you?

4 A. No.

5 Q. He was doing it for national
6 account executives outside of New York,
7 correct?

8 A. Yes.

9 Q. Tell me now the accounts that you
10 had or clients that you had in your position
11 starting in March of 2005 as a national
12 account executive.

13 A. Verizon account.

14 Q. Tell me what other accounts or
15 clients you had in 2005.

16 A. That was the only one I was
17 assigned to.

18 Q. Now, not limiting it to 2005,
19 while you were a national account executive,
20 were there any other accounts assigned to you?

21 A. Not that I believe so.

22 Q. Tell me the names of every client
23 or account you brought in, in 2005 while you
24 were a national account executive.

25 A. I was only assigned to that

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1 H. Gold

2 account.

3 Q. That was not my question. Tell
4 me the names of any account or client you went
5 out and got and brought in.

6 A. What do you mean?

7 Q. Are you aware that national
8 account executives, one of their duties and
9 responsibilities is to go out and find new
10 clients for the company?

11 MS. GREENE: Objection.

12 Q. Go back a question. Do you know
13 what national account executives do at Clear
14 Channel?

15 A. Yes.

16 Q. Is one of the things that they do
17 is go out and find new clients to bring into
18 Clear Channel?

19 A. Yes. However, I was -- I had a
20 responsibility to work on a large account and
21 told to devote my time to one large account.
22 It was never told to me, you know -- the
23 answer to your question is, no, I did not
24 bring new accounts in.

25 Q. In 2005, did other national

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1 H. Gold

2 account executives at the company have large
3 accounts, if you know?

4 A. I'm sure, yes.

5 Q. And is it your understanding that
6 it was company policy that anyone who had a
7 large account, didn't need to try to bring in
8 new business?

9 A. I think you misinterpreted my
10 question. I didn't say that it wasn't my
11 responsibility. I was hired to do a job to
12 work on an account and that is what I did.

13 Q. But you knew you had a
14 responsibility to try to bring in additional
15 business, right?

16 MS. GREENE: Objection.

17 A. If the opportunity was there, I
18 would of course bring in new business. It
19 wasn't my main.

20 Q. How do national account
21 executives create opportunities to bring in
22 new business?

23 A. I don't know.

24 Q. Have you ever tried to bring in
25 business?

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1 H. Gold

2 A. Prospecting.

3 Q. And how --

4 A. Leads.

5 Q. When have you tried to do that?

6 A. There has been multiple times.

7 Q. Is that something you currently
8 attempt to do?

9 A. Yes.

10 Q. How do you attempt to do that?

11 A. Through leads. Through
12 reading -- seeing competitors up on boards,
13 magazine ads, internal ads. Various
14 prospecting, basically.

15 Q. Were there leads that existed in
16 2005?

17 A. Again, at that time I was asked
18 to work on one account and one account only.
19 I was given a budget for one account. It was
20 a large account that I devoted my whole time
21 to. I worked numerous hours. I did not have
22 time go out and try to bring in new business.

23 Q. Let me repeat my question. Did
24 leads exist in 2005?

25 A. I don't know. I'm sure there

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1 H. Gold

2 given a lead.

3 Q. Is the only way that leads exist
4 within Clear Channel is when national AE's are
5 given leads?

6 A. No.

7 Q. You said leads exist every day.

8 A. Yes.

9 Q. I asked you if they existed in
10 2005, you said yes. Did you follow up on any
11 of those leads?

12 A. In 2005, no. And again, I was
13 hired to work on one specific account that
14 required a lot of detail and attention and
15 numerous hours in a day.

16 Q. Is it your position that you
17 couldn't work on anything else?

18 A. There wasn't enough hours in the
19 day.

20 Q. Because of the Verizon account,
21 you couldn't go out and prospect for any more
22 clients; is that right?

23 A. I did not want to -- my objective
24 was to look out for my clients' needs. If
25 they need me 24/7, I was at their disposal.

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1 H. Gold

2 Verizon account.

3 A. I would work with the account
4 team and try to bring in additional revenues.
5 Basically, make sure the current programs are
6 running correctly. The other day
7 conversations with them again, sending them
8 new updated hot avails for list. Basically,
9 every day was something different. There was
10 never a lot of time that I wasn't not helping
11 them somehow.

12 Q. Are you aware of any other
13 national account executive who only has one
14 client or one account?

15 A. I don't know.

16 Q. Are you aware of any other
17 national account executive who didn't make any
18 attempts to bring in new business?

19 A. I don't know.

20 Q. Are you aware of any other
21 national account executives who didn't make
22 any effort to prospect for new business?

23 MS. GREENE: Objection.

24 A. Again, I don't know. People are
25 assigned accounts. The agencies are assigned

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1 H. Gold

2 too. We all prospect. We have agencies on
3 our list. I'm sure there were. I don't know.
4 My answer is I don't know.

5 Q. That is a pretty long answer.
6 I'll ask the question again.

7 Are you aware of any national
8 account executive who did not attempt to bring
9 in or prospect for new business?

10 MS. GREENE: Objection.

11 A. I don't know.

12 Q. So, as part of your duties and
13 responsibilities you said one of them was to
14 try to bring in revenues?

15 A. Increase revenues.

16 Q. How do national account
17 executives increase revenues?

18 A. Continue selling the stuff to our
19 clients.

20 Q. They make sales, right?

21 A. Sales, yes.

22 Q. They sell new media products
23 to -- strike that.

24 They sell media products to
25 potentially new clients, correct?

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1 H. Gold

2 MS. GREENE: Objection.

3 Q. Do they?

4 A. I --

5 Q. Do national account executives
6 attempt to increase revenues by selling media
7 products to new clients?

8 A. New? I don't know new. Existing
9 clients, yes. I don't know if they are
10 selling to new clients. Their account lists,
11 yes.

12 Q. You don't know whether national
13 account executives try to make sales of media
14 products to new clients?

15 A. I can't answer what they are
16 doing with their accounts and clients.

17 Q. You don't know what they are
18 doing?

19 A. I can't answer for other people.
20 In a sense, I know what they are doing. I'm
21 not going to answer for someone else.

22 Q. So how are you trying to increase
23 revenues?

24 MS. GREENE: Objection.

25 Q. How are you -- strike that.

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1 H. Gold

2 A. Yes.

3 Q. How often would the lunches and
4 dinners occur?

5 A. I don't remember.

6 Q. Do you have any records of it?

7 A. The company would have records.
8 I pass on expense reports. I don't remember.

9 Q. During the time that you were a
10 national account executive, do you know how
11 much time Sean McCaffery was spending out of
12 the office with his accounts.

13 A. I don't know.

14 Q. Do you know how many lunches or
15 diners he was doing weekly with accounts?

16 A. I don't know.

17 Q. Do you know how many times he was
18 going to visit the offices of his accounts?

19 A. I don't know.

20 Q. Was there anyone else in 2005
21 that was a national account executive in the
22 New York office?

23 A. Yes.

24 Q. Give me some names.

25 A. Of national account executives?

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1 H. Gold

2 Q. Yes.

3 A. Sean McCaffery, Sean Corbett,
4 Lynn Jackson, Ned Cullen.

5 Q. Who was the third one?

6 A. Lynn Jackson.

7 Q. After that you said someone else?

8 A. Ned Cullen.

9 Q. How many accounts did Mr. Corbett
10 have in 2005, if you know?

11 A. I don't know.

12 Q. How many accounts did Ms. Jackson
13 have in 2005?

14 A. I don't know.

15 Q. How many accounts did Mr. Cullen
16 have in 2005?

17 A. I don't know.

18 Q. What prospecting activities was
19 Mr. Corbett engaging in, in 2005?

20 A. I don't know.

21 Q. What prospecting activities was
22 Ms. Jackson engaged in, in 2005?

23 A. I don't know.

24 Q. What prospecting activities was
25 Mr. Cullen involved in, in 2005.

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1 H. Gold

2 A. I don't know.

3 Q. How much time did Mr. Corbett
4 spend outside of the office trying to make
5 sales in 2005?

6 A. I don't know.

7 Q. How many -- how often was Ms.
8 Jackson outside of the office in 2005 trying
9 to make sales?

10 A. I don't know.

11 Q. How often was Mr. Cullen outside
12 of the office in 2005 trying to make sales?

13 A. I don't know.

14 Q. Do you have any information about
15 how much time any national account executives
16 were spending in or outside the office in
17 2005?

18 A. I do not know. I can
19 guesstimate, but I don't want to guesstimate.
20 I don't know.

21 Q. In your experience, would it be
22 fair to say that someone who has two accounts
23 may spend twice as much time out of the office
24 as someone who has one?

25 MS. GREENE: Objection.

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1 H. Gold

2 A. It depends on the amount of work.
3 Again, I worked with an agency on one account
4 that just had an abundance of work. Some --
5 really, again, what is on your schedule, what
6 is on your plate.

7 Q. It depends on the individual?

8 A. It depends on what they are
9 working on.

10 Q. Does it depend on the individual
11 national account executive?

12 A. Can you repeat that.

13 Q. Does the amount of time someone
14 spends inside or outside of the office depend
15 on the national account executive that we're
16 talking about?

17 A. Everyone has their own way of
18 selling. I don't know. You know -- I don't
19 know.

20 Q. You don't know whether there are
21 differences among national account executives
22 of how much time they spend inside and outside
23 of the office?

24 MS. GREENE: Objection.

25 A. Some people have success inside

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1 H. Gold

2 the office and some have success out. I don't
3 know, people sell differently.

4 Q. My question is, do you know
5 whether the amount of time inside or outside
6 the office depends upon the individual?

7 A. I can't answer how people sell.

8 Q. Is it your testimony that some
9 people spend more time in the office you think
10 than others?

11 A. Again, I don't know.

12 Q. Have you seen any company
13 policies about how much time national account
14 executives are supposed to spend inside or
15 outside the office?

16 A. What do you mean? I'm sorry

17 Q. What I mean by company policy,
18 something in writing, something the company
19 distributes.

20 Have you seen any company
21 policies or procedures that say national
22 account executives are supposed to spend X
23 amount of time inside or outside the office?

24 A. No, not that I have seen.

25 Q. Were there any guidelines or

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1 H. Gold

2 anything you did to service the account.

3 A. I don't remember offhand.

4 Q. Are there any other duties and
5 responsibilities you carried out while you
6 were serving as a national account executive?

7 A. I'm sure there was a lot I'm just
8 not thinking of right now.

9 Q. Can you tell me any of the other
10 duties and responsibilities that Sean
11 McCaffery had during the same time that you
12 were a national account executive?

13 A. Again, I don't remember what
14 agency he was assigned to. I don't know.

15 Q. Can you tell me any of the duties
16 and responsibilities that Mr. Corbett, Ms.
17 Jackson or Mr. Cullen had during the same time
18 that you were serving as a national account
19 executive?

20 A. Again, offhand I don't remember
21 what accounts they were calling on. I don't
22 know.

23 Q. You don't know what they were
24 doing?

25 A. I know that they were selling. I

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1 H. Gold

2 just don't know who they were calling, what
3 agencies at the time. I don't remember.

4 Q. My question was, do you remember
5 what any of your other duties and
6 responsibilities were in 2005?

7 A. What do you mean?

8 Q. Which words do you not
9 understand?

10 A. Can you repeat the question?

11 Q. Do you remember what other duties
12 and responsibilities, if any, Mr. Corbett, Ms.
13 Jackson or Mr. Cullen had in 2005?

14 MS. GREENE: Objection.

15 A. Everyone is given a budget.
16 Everyone's duty is to make your budget, meet
17 your budget. How they do it and their goals,
18 I don't know.

19 Q. Meeting your budget means
20 bringing in more sales to meet your budget?

21 A. Yes.

22 Q. So, you don't know how Corbett,
23 Jackson and Cullen were going about making
24 sales to meet their budget, right?

25 MS. GREENE: Objection.

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1 H. Gold

2 A. Again, I don't know what they did
3 on a day-to-day basis. I know they were going
4 to whoever they were assigned to and whoever
5 else were assigned products. Beyond that, I
6 don't know what they were doing.

7 Q. You know they were trying to make
8 sales to increase revenue and meet their
9 budgets, but you don't know how they were
10 doing it?

11 A. I think you twisted my words. I
12 know they were selling outdoor programs to our
13 clients. Beyond what they were doing,
14 specifics? I don't know specifics.

15 Q. At some point you went from being
16 a national account executive to another
17 position; is that right?

18 A. Correct.

19 Q. And tell me what your duties and
20 responsibilities are in the new position. Let
21 me go back.

22 You are still in that position
23 today?

24 A. Yes.

25 Q. And you have been in that

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1 H. Gold

2 Q. You did that by selling them more
3 products?

4 A. Yes.

5 Q. The national business development
6 position that you now hold, is there anyone
7 else in the New York office who holds that
8 position?

9 A. No.

10 Q. Are you aware of anyone in any
11 other market who holds that position?

12 A. I believe every office has one,
13 someone in that position.

14 Q. What is your belief for that;
15 what is the basis for your belief?

16 A. I don't know. I believe there is
17 one in Dallas, Rod Thorburg. I believe he's
18 in Dallas.

19 Q. Can you tell me the names of any
20 other person anywhere else in the country who
21 you think holds a national business
22 development position?

23 A. I don't know.

24 Q. Do you have meetings of the
25 national business development people?

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1 H. Gold

2 A. No.

3 Q. Do you have conference calls
4 among national business development people?

5 A. No. It was a job I never applied
6 for. They just handed it to me. They just
7 said, you are doing this. I don't know,
8 really. No one really trained me. They just
9 said, here. They gave me a couple of
10 agencies.

11 Q. Have you ever been on a
12 conference call with any other business
13 development people?

14 MS. GREENE: I believe she, to
15 clarify the business, she referred to
16 it as new business, not national
17 business development.

18 MR. PARLO: Thank you.

19 Q. Have you been in any meetings
20 with any other new business development
21 people?

22 A. No.

23 Q. Have you been on any conference
24 calls with any new business development
25 people?

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1 H. Gold

2 A. No.

3 Q. Other than Mr. Thorburg, are you
4 aware of any other individuals who you think
5 hold a any new business development positions
6 anywhere in the country?

7 A. Again, I don't know who they are.
8 I believe there are. I don't know. I don't
9 know who they are.

10 Q. Do you supervise Mr. Thorburg?

11 A. No.

12 Q. Have you ever done a performance
13 appraisal on Mr. Thorburg?

14 A. No.

15 Q. You never watched him doing his
16 work?

17 A. No.

18 Q. Do you have any idea what he does
19 on a day-to-day basis?

20 A. No.

21 Q. Why is it that you think he's a
22 new business development person?

23 A. Because when I was in import, he
24 would come to me and ask for proposals.

25 Q. Could it be --

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1 H. Gold

2 A. His title says new business, VP
3 new business.

4 Q. Other than seeing a title of VP
5 new business, do you have any other basis for
6 believing he is a new business development
7 person?

8 A. That is what is on his card. No.

9 Q. When he would come to you, was he
10 coming to you in the same capacity other
11 account executives were coming to you in?

12 A. Yes. He needed a New York
13 proposal.

14 Q. He was trying to make sales to
15 his clients?

16 A. Yes.

17 Q. In order to assist him in doing
18 that, you would provide him with proposals
19 regarding the New York market and media
20 products?

21 A. When I was in national import,
22 yes.

23 Q. Other than bringing in sales,
24 which you did in part by increasing sales to
25 current agencies, is there anything else that

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1 H. Gold
2 information and belief you have that there are
3 similarly situated current and former
4 employees who have been underpaid?

5 A. I'm sorry, I don't understand
6 this question.

7 Q. This is your complaint --

8 A. Uh-huh.

9 Q. -- right?

10 A. Yes.

11 Q. And in it you use the word "upon
12 information and belief."

13 MS. GREENE: Objection.

14 Q. Do you see that?

15 A. Uh-huh.

16 Q. What is the information and
17 belief you have that there are many similarly
18 situated current and former employees who have
19 been underpaid?

20 A. If they are doing something to
21 me -- I'm sorry. Can you just clarify your
22 question again?

23 Q. Sure.

24 What is the information you
25 have -- we will break it down from information

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1 H. Gold

2 and belief.

3 What's the information that you
4 have that other similarly situated current and
5 former employees have been underpaid?

6 A. Again, it's information and
7 belief. Just belief.

8 Q. Do you have any information?

9 MS. GREENE: Objection.

10 A. I again -- just based on personal
11 belief.

12 Q. I understand personal belief.

13 Do you have any information,
14 actual information?

15 MS. GREENE: Objection.

16 A. I'm sure there is documentation.

17 Q. Do you have any?

18 A. That I can recall on me? No, I
19 don't believe I do.

20 Q. Somewhere, do you have this
21 documentation?

22 A. I'm sure there is documentation.

23 Q. What is it?

24 A. Again, I don't know what you are
25 asking.

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1 H. Gold

2 similar positions, I definitely believe that
3 based on how we operate that if myself -- that
4 other people in this position with us would
5 also be under -- not accurately paid.

6 Q. Other than your discussions with
7 lawyers that you shouldn't divulge anymore --

8 A. I don't want to divulge
9 information.

10 Q. Other than discussions with
11 lawyers, do you have any other information?

12 A. I'm certain there are documents.
13 I cannot recall.

14 MR. PARLO: Do you want to take a
15 break?

16 THE WITNESS: Yes.

17 THE VIDEOGRAPHER: Off the record
18 at 5:12 P.M.

19 (Recess taken.)

20 THE VIDEOGRAPHER: Back on the
21 record at 5:14 P.M.

22 Q. Ms. Gold, on page 9 of your
23 complaint, at the top it says:

24 "'Class members' have been
25 victims of a common policy and plan

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H. Gold

perpetrated by Defendants."

What common policy and plan are
you referring to?

MS. GREENE: Objection.

Q. You can answer.

A. The wage and hourly.

Q. The what?

A. The lawsuit. The suit on the
wage.

Q. The Clear Channel common policy
and plan is the wage and hour lawsuit?

A. I'm not sure which one this is
referring to. If it's referring to
discrimination or the wage policy, to be
honest.

Q. Can you identify any common
policy or plan that you claim violated your
rights?

A. Again, I feel like my rights were
violated.

Q. Through what common policy or
plan, if you are aware of any?

A. No. I'm not understanding your
question.

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, ARTA PASCULLO, a Registered Professional Reporter and Notary Public within and for the State of New York, do hereby certify:

That I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings.

I further certify that I am not related, by blood or marriage, to any of the parties in this matter and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this _____ day of _____,
2008.

ARTA PASCULLO, RPR